

3/9/79

Flipped
AK062A
R

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

VISIT TO ARGENTINA

In addition to any formal recommendations which will be made by the Commission in its final report on Argentina, the Commission might initiate private conversations with the country's leadership on a program of remedial action. Specific remedies agreed as necessary and feasible between the Commission and the Government may have a better chance of being put into practice.

Here are some possible areas of discussion:

A. Centralization: The greatest single factor contributing to human rights violations in Argentina is decentralization of control among a bewildering array of official entities: the Army, Navy, Air Force, the Federal Police, the State Intelligence Service (SIDE) and the Federal Security Service. The Commission might recommend that control over the suppression of remaining terrorism and subversion be centralized and rationalized. The current situation allows an excess of autonomy. *the activities of the argens*

B. Legal Processes: Standing behind the State of ~~Seige~~ provisions recognized by the Argentine Constitution, any act of Poder Ejecutivo Nacional (national executive power) can escape scrutiny of the regular court system. It is hoped the Commission can convince the Government that judicial oversight of executive power actions is required if rights of citizens are to be secured. The Commission might make an effort to tabulate the number of cases when courts have ruled against national executive power acts only to be ignored by the executive.

C. Subversion/Terrorism Defined: A principal problem in both centralization and in creating legal remedies derives from the Argentine Government's apparently lacking definitions of "subversion" and "terrorism" that could guide even well-intentioned security officials and dedicated judges in their complicated chores. What can be imagined -- and this would have incalculable benefit -- is that with the Commission the Argentine Government might define what it considers to be a "terrorist", and in doing this announce what penalties a terrorist can expect, and what it considers a "subversive" and what penalties attach. At present, the categories "terrorist" and "subversive" too easily slide together, and a subversive can be practically anything, including a mother demanding to know the whereabouts of her son.

U.S. DEPT. OF STATE, A/TPS/TPS

Margaret P. Grafeld, Director

(X) Release () Excise () Deny

Exemption(s):

Declassify: () In Part () In Full

() Classify as () Extend as () Downgrade to

Date Declassify on Reason

82 D103
 Box 17400

D. Prisoners held under Poder Ejecutivo Nacional:

The fact of the Commission's coming has already led to reduction in the number of such prisoners. A recommendation by the Commission for release under right of option (and clemency for persons convicted) might provide the Argentine Government an incentive for releasing persons picked up while very young and persons whose only link with subversive activities was marginal.

E. The Disappeared: There will be no reviving the dead but the Commission might urge the government to take steps for alleviating the problems of the living. The Commission could urge the government to inform families directly or through intermediaries that evidence exists a person has died. It might also suggest legal measures by which presumption of a person's death could be made quicker and simpler thus permitting transactions that are now in abeyance because the status of a family member is unclear.

USOAS:MKromhout:ch
x23013, 3/9/79

clearance: USOAS:IGTragen
USOAS:MYohn
ARA/ECA:CBrayshaw
HA:PFlood